

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

**CHARLES MORROW, et al,
Individually and on behalf of similarly
situated employees,**

Plaintiffs,

V.

FLOWERS FOODS, INC., et al,

Defendants.

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) **CIVIL ACTION NO.:**
) **3:07-CV-617-MHT**
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**PLAINTIFFS' MOTION TO EXTEND TIME TO RESPOND TO DEFENDANT'S
MOTION TO COMPEL THE PRODUCTION OF DOCUMENTS**

COME NOW Plaintiffs in the above-styled action, and respectfully move this Court to extend the time by seven days to May 20, 2008, for the Plaintiffs to respond to Defendants' Motion to Compel the Production of Documents by Plaintiffs Ricky Small and Mark Murphy [D.E. No. 113], based upon the following:

1. The current deadline for the Plaintiffs to respond, as set out in the Order to Show Cause, is May 13, 2008. Defendants did not notify Plaintiffs prior to the filing of their Motion in an attempt to resolve the dispute.

2. On May 6, 2008 Plaintiffs' counsel, in a good faith effort to resolve the issue with the Plaintiffs in question, requested Defendants to withdraw their Motion or allow Plaintiffs additional time to respond to the Motion and in an effort to confer with Defendants and their Plaintiffs to attempt to resolve the dispute.

3. On May 9, 2008, Defendants' counsel wrote to Plaintiffs concerning their Motion to compel and refused to the requested extension.

4. Indeed, on the day Defendants filed their motion, Plaintiff Mark Murphy (one of the Plaintiffs subject to Defendants' Motion) produced over 9,000 pages of documents responsive to Defendants' requests. Had Defendants sought to confer with Plaintiffs prior to the filing of their Motion, Defendants would have been aware of this production.

5. Additionally, Plaintiff Ricky Small (the other Plaintiff subject to Defendants' Motion) is currently trying to resolve whether documents exist in another location that is not currently in his possession, custody, or control.

6. Plaintiffs believe that an additional 7 days, until May 20, 2008, would allow them to confirm if additional, responsive documents exist and will be produced. Therefore, good cause exists to grant the extension of time sought as it may resolve the need to consider Defendants' Motion.

DATED: May 12, 2008

Respectfully Submitted,

/s/ Amy A. Weaver

Amy A. Weaver

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CERTIFICATE OF SERVICE

I hereby certify that on this the 12th day of May, 2008, I electronically filed the foregoing using the CM/ECF system which will send notification of such filing to:

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